

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ENGIDASHET W. GEBRE,

Plaintiff,

v.

CONDOLLEEZA RICE,
as Secretary of State, and
DEPARTMENT OF STATE,

Defendants.

Civil Action No. 05-11321-WGY

**DEFENDANTS' ANSWER TO PLAINTIFF'S COMPLAINT
FOR WRIT OF MANDAMUS**

Defendants, CONDOLLEEZA RICE and DEPARTMENT OF STATE, by and through their attorneys, Michael J. Sullivan, United States Attorney for the District of Massachusetts, and Anton P. Giedt, Assistant United States Attorney, hereby file the following Answer to plaintiff's Complaint. In response to the numbered paragraphs of plaintiff's Complaint, defendants respond as follows:

INTRODUCTION:

1. Defendants have insufficient information to confirm or deny the allegations, to the extent a response is required, such allegations are denied.
2. Admitted.
3. Admitted.

JURISDICTION:

4. The allegations of paragraph 4 are conclusions of law to which no response is required and, to the extent a response is required, such allegations are denied.
5. The allegations of paragraph 5 are conclusions of law to which no response is required

and, to the extent a response is required, such allegations are denied.

6. The allegations of paragraph 6 are conclusions of law to which no response is required and, to the extent a response is required, such allegations are denied.

7. The allegations of paragraph 7 are conclusions of law to which no response is required and, to the extent a response is required, such allegations are denied.

STANDING:

8. Denied.

VENUE:

9. Denied.

REMEDY SOUGHT:

10. This is a statement describing the remedy sought by the plaintiff, to which no response is required, to the extent a response is required, such allegations are denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied. Plaintiff may file a petition for a spouse pursuant to 8 U.S.C. § 1153(a)(2).

18. Denied.

19. Denied.

20. The allegations of paragraph 7 are conclusions of law to which no response is required

and, to the extent a response is required, such allegations are denied.

PRAYER:

This is a statement describing the remedy sought by the plaintiff, to which no response is required, to the extent a response is required, such allegations are denied.

AFFIRMATIVE DEFENSES:

1. Plaintiff fails to state a claim upon which relief can be granted.
2. Plaintiff has failed to exhaust his administrative remedies.
3. Lack of subject matter jurisdiction due to mootness.

Respectfully submitted,

UNITED STATES OF AMERICA

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Anton P. Giedt 9/12/05
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CERTIFICATE OF SERVICE

Suffolk, ss.

Boston, Massachusetts
DATE: September 12, 2005

I, Anton P. Giedt, Assistant U.S. Attorney, do hereby certify that I have this day served a copy of the foregoing upon the Plaintiff's counsel of record by first class mail.

/s/ Anton P. Giedt
Anton P. Giedt
Assistant U.S. Attorney

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